

SUBJECT: TELECOMMUTING PROGRAM POLICY

990-1-00	Background
990-1-10	Purpose
990-1-20	References
990-1-30	Definitions
990-1-40	Coverage and Exclusions
990-1-50	Roles and Responsibilities
990-1-60	Eligibility Criteria for Program Participation and Termination
990-1-70	Delegations of Authority
990-1-80	Labor Management Relations
990-1-90	Telecenters
990-1-100	Hoteling

990-1-00 BACKGROUND

Advances in telecommunications, the rising costs of office space, growing air pollution, traffic congestion and changing social needs have increased interest in telecommuting arrangements. Telecommuting is a practical solution to these quality of life issues as well as work life challenges. Public Law No. 990-346, Section 359, dated October 23, 2000, as interpreted by the Office of Personnel Management (OPM) in a memorandum dated February 9, 2001, instructs Federal agencies (1) to review existing telecommuting policies to reduce and eliminate barriers that inhibit the use of telecommuting and to increase program participation, (2) to establish eligibility criteria, and (3) that subject to any applicable agency policies or bargaining obligations, employees who meet the criteria and want to participate must be allowed that opportunity if they are satisfactory performers. The law provides that its requirements must be applied, within four years, to 100% of the Federal workforce. More specifically, the law requires that 25 percent of an agency's eligible employees shall be participating in a telecommuting program this year, and an additional 25 percent of the eligible employees each year to reach 100% within four years.

990-1-10 PURPOSE

This policy provides implementing guidelines for carrying out the requirements of Section 359 of Public Law 990-346 cited above. These implementing guidelines apply to the establishment of telecommuting programs in HHS. Our intent is to actively promote telecommuting as a legitimate flexibility for managers and their employees throughout HHS and at the same time optimize the benefits of telecommuting while assuring continued productivity. In addition, the purpose of this policy is to promote HHS as an employer of choice; enhance the Department's efforts to employ and accommodate people with disabilities, including employees who have temporary or continuing health problems, or who might otherwise have to retire on disability;

reduce office space, parking facilities, and transportation costs, including costs associated with payment of the transit subsidy; complement the Continuity of Operations Program (COOP) plans; and improve the recruitment and retention of high-quality employees through enhancements to the employees quality of life. Any implementing guidance developed by HHS components must comply with this policy, as well as the law from which it is derived.

990-1-20 REFERENCES

- A. Public Law No. 106-346, Section 359, dated October 23, 2000
- B. Office of Personnel Management (OPM) Memorandum dated February 9, 2001, Establishing Telecommuting Policies
- C. OPM Telework website: www.telework.gov

990-1-30 DEFINITIONS

- A. Telecommuting. (Also referred to as "flexiplace," "work-at-home," "flexible workplace," and "teleworking") Performing work at a place other than the employee's official duty station in accordance with the terms of an employee-employer agreement.
- B. Regular telecommuting. Telecommuting where the work is performed on a regularly scheduled basis for a period of several months or longer. Reasons for initiating regular telecommuting agreements may include: to enhance mission accomplishment; to improve service to clients; to improve productivity; to attract and retain high-quality employees in key occupations; to reduce office space and associated costs; to improve access to federal employment for the disabled; to assure reasonable accommodation for disabled employees; and, to reduce commuting distance.
- C. Non-Regular or episodic telecommuting. Work performed at an alternate work station without a regular schedule. Some examples where non-regular or episodic telecommuting arrangements may work well include: time to complete discrete portions of projects or work assignments; convalescence from an injury or illness; during office renovation; and, reasonable accommodation. All of these situations involve performing work at an alternate work station that cannot be performed at the permanent work station for the reasons stated earlier.
- D. Hoteling. Offices and/or cubicles set aside for the shared use of employees who spend the majority of their time telecommuting.
- E. Alternate Work Station. A specific area at a telecommuting center or within an employee's residence or at another approved location other than the official duty station.

- F. Telecenter. Office space, located so as to reduce commuting, that is available for the use of telecommuters.
- G. Official Duty Station. The current work location specified in the employee's Official Personnel Folder. Telecommuting does not change the Official Duty Station.

990-1-40 COVERAGE AND EXCLUSIONS

- A. This policy applies to all HHS employees except Public Health Service Commissioned Corps personnel. Commissioned Corps personnel should refer to HHS Commissioned Personnel Manual 23.5, Instruction 10 for guidance.

990-1-50 ROLES AND RESPONSIBILITIES

- A. Operating Divisions (OPDIVs) and Staff Divisions (STAFFDIVs) are responsible to:
 - 1. Establish written guidance for implementing telecommuting requirements to include: Reimbursement for business-related long distance phone calls over the employee's personal phone-such calls must be approved by the supervisor as required by GSA regulations (see 41 CFR 101.7) and service and maintenance of Government-owned equipment if applicable.
 - 2. Review positions, using OPM and GSA guidelines, to identify positions that lend themselves to telecommuting, as well as those that do not.
 - 3. Approve, disapprove employee requests to participate in telecommuting and terminate program participation, when necessary, due to performance issues, for cause or other reasons as stated in the OPDIV/STAFFDIV telecommuting guidance.
 - 4. Maintain signed copies of telecommuting agreements and such other records as may be required for program evaluation and reporting of regular and episodic telecommuting, use of telecenters etc.
 - 5. Provide training for managers, supervisors and employees on the OPDIVs/STAFFDIVs telecommuting programs including the applicability of the Military Personnel and Civilian Employees Claims Act, the Federal Tort Claims Act, or the Federal Employees Compensation Act to services performed at home. (See Publication CA-810 Revised January 1999, Injury Compensation for Federal Employees, U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs).
 - 6. OPDIVs/STAFFDIVs shall designate a telecommuting coordinator to serve as the focal point for questions on the OPDIV/STAFFDIV telecommuting guidance.

- B. In consultation with the OPDIV/STAFFDIV Information System Security Officer assures that:
1. The requirements of the HHS IRM Policy for IT Security for Remote Access (dated January 8, 2001) are incorporated into telecommuting access briefings and training programs.
 2. The Departmental IT Security Officer is promptly notified of computer security incidents (or suspected incidents) resulting from remote access.
 3. Security procedures for LAN access; policies on providing computer equipment, and policies regarding maintenance and software for the alternate work station are discussed with telecommuting participants and/or included in the telecommuting agreement.
- C. Employees are responsible for:
1. Participation - The employee must request to participate in the telecommuting program; the employee may also request to end participation, without cause, at any time.
 2. Notice to Employer - The employee will promptly inform the employer whenever problems arise which adversely affect his/her ability to perform work at the alternate work station.
 3. Work Schedule - The employee must be available upon reasonable notice (generally a day in advance, if feasible) to come to the official duty station whenever the need arises for meetings, travel, training, etc.
 4. Work Activities - The employee will not engage in any non-governmental activities while in official duty status at the alternate duty station. This includes such pursuits as child care, elder care or the conduct of personal business.
 5. Leave - The employee will follow established leave policies at the alternate work station as though he/she were at the official duty station.
 6. Telephone - The employee agrees to maintain a telephone contact at his/her alternate work station and to furnish the employer with the number so that during business hours, he/she is accessible.
 7. Conduct - The Employee shall adhere to the Standards of Conduct for Executive Branch employees and to supplemental standards, as issued, while working at the alternate work station.
 8. Equipment Use- The employee must assure that all Government-owned equipment is used only for authorized purposes.
 9. Security - The employee will follow standard security procedures when removing official records from the official duty station. Classified or sensitive data must not be accessible

from off-site locations unless agency IRM security officials certify that the system adequately protects records, and that off-site use conforms to applicable laws or policies.

10. Safety - The employee will read, certify and sign such safety checklists as may be required by the OPDIV/STAFFDIV.
11. Liability - The employee will be liable for damage to any government-supplied property, including equipment at the alternate work station, in the same way the employee is liable at the official duty station. HHS will not be liable for damages to an employee's personal or real property during the course of performance of official duties or while HHS equipment is in use at the employee's residence, except to the extent HHS is held liable by the Federal Tort Claims Act, the Military Personnel and Civilian Employees Claims Act or the Federal Employees Compensation Act (workers' compensation).
12. Costs - Generally, the Government will be responsible for the service and maintenance of Government-owned equipment. The employee is responsible for all operating costs, home maintenance and any other incidental costs (e.g., utilities) associated with the use of the home for business purposes.

990-1-60 ELIGIBILITY CRITERIA FOR PROGRAM PARTICIPATION AND TERMINATION

- A. When developing telecommuting guidance OPDIVs/STAFFDIVs must establish eligibility criteria for program participation and termination. Participation in telecommuting programs is not an entitlement. In establishing eligibility criteria, OPDIV/STAFFDIV programs must include:
 1. The employee's work (or the portion to be performed at the alternate work station) must be portable: i.e., it must be work that the employee can reasonably complete at an alternate work station.
 2. The supervisor must be able to evaluate the quantity and quality of the employee's work performed at the alternate work station.
 3. The employee's most recent performance rating of record must be a rating of fully successful or equivalent or better. The employee must not be on a performance improvement plan.
 4. An employee's performance is not maintained at the fully successful or equivalent level or better the employee-employer telecommuting agreement must be terminated.
 5. The employees' type and length of appointment, and work schedule must be included among those determined by the OPDIV/STAFFDIV to be eligible for participation.
 6. The employee must not require close supervision in order to telecommute.

7. The employee must not require frequent input from others in order to perform tasks at the alternate work station.
 8. The employee's absence from the official duty station must not unduly interrupt office operations.
- B. Management officials with delegated authority may terminate a telecommuting agreement if the work situation no longer meets the requirements for eligibility.
- C. Individual employee participation will be decided on a case-by-case basis by the individual with delegated authority.
- D. If an employee's request to participate in the telecommuting program is denied, management will provide written notice to the employee explaining the reasons for the denial which shall include the process for submitting requests for reconsideration.

990-1-70 DELEGATIONS OF AUTHORITY

The authority to establish and maintain telecommuting programs is delegated to OPDIV/STAFFDIV Heads, who may redelegate without restriction. We encourage delegation of individual employee telecommuting arrangements to front-line supervisors, as they are usually in the best position to determine eligibility and assess results.

990-1-80 LABOR-MANAGEMENT RELATIONS

In implementing this policy OPDIVs/STAFFDIVs must meet their labor relations obligations.

990-1-90 TELECENTERS

OPDIVs/STAFFDIVs shall establish guidelines for using telecenters. A [list of telecenters and their locations](#) is available at the [GSA website](#).

990-1-100 HOTELING

Working with the HHS Office of Facilities Services and the Assistant Secretary for Resources and Technology as appropriate, OPDIVs/STAFFDIVs shall establish guidelines for hoteling.